

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**COHEN OPHTHALMOLOGY &
CONSULTING, INC.**

and

Case 28-CA-086143

MARINA Z. SANCHEZ

ORDER DENYING MOTION¹

The Respondent's Motion for Summary Judgment or Dismissal for Lack of Jurisdiction is denied. The Respondent has failed to establish that there are no genuine issues of material fact and that it is entitled to judgment as a matter of law.²

Dated, Washington, D.C., December 3, 2012.

MARK GASTON PEARCE,	CHAIRMAN
RICHARD F. GRIFFIN, JR.,	MEMBER
SHARON BLOCK,	MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Acting General Counsel argues that the Respondent's motion should be dismissed as untimely because it was filed with the Division of Judges in San Francisco 28 days prior to the December 11, 2012 hearing rather than with the Board as required by Sec. 102.24(b) of the Board's Rules and Regulations. In light of the fact that no party has shown that it was prejudiced by the Respondent's procedural error in filing its motion with the Division of Judges we accept the motion as timely filed.